

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D.C. 20548

120/25

FILE: B-209261

DATE: December 15, 1982

MATTER OF: Tenavision, Inc.

DIGEST:

Where the successful bidder makes an unqualified offer to perform the contract in accordance with all the terms and conditions of the invitation, the bidder is legally bound to comply with those terms and conditions and whether it does so is a matter for the contracting agency in the administration of the contract.

Tenavision, Inc. (Tenavision), protests an award to Myer Design (Myer) under invitation for bids (IFB) No. 646-41-82, issued by the Veterans Administration (VA) Medical Center, Pittsburgh, Pennsylvania.

We dismiss the protest.

The IFB solicited bids for a hospital fire alarm system. Tenavision argues that Myer will not be able to comply with certain IFB specifications. The VA, on the other hand, indicates that Myer has taken no exceptions to the IFB and argues that the question of whether Myer performs the contract in accordance with the specifications is a matter of contract administration.

We agree. Where a bidder has made an unqualified offer to comply with all the terms and conditions of an IFB, the bidder is legally bound to perform the contract in accordance with those terms and conditions. Nedlog Company, B-204557, September 21, 1981, 81-2 CPD 235. Moreover, whether the successful bidder fulfills its contractual obligations by furnishing items that comply with the specifications is a matter for the contracting agency in the administration of the contract and does not affect the validity of the award. American Medical Instrument Corporation, B-206562, March 15, 1982, 82-1 CPD 245.

Therefore, since Myer has not qualified its bid in any way, it is legally bound to comply with the terms of the IFB, and it is the VA's responsibility in the administration of the contract to insure that Myer does in fact comply with the specifications.

Protest dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel